GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

B.C. Welfare Department - Appeal filed by Smt. P. Lakshmi Devi, D/o Ranga Nayakulu, Occupation: Teacher, Thurimella Post, Praksam District against cancellation of her Caste Certificate by the Collector and District Magistrate, Prakasam vide Proceedings D.Dis.C4/99/2016, dated: 29.11.2019 – Appeal petition remit back to the District Collector and Magistrate, Prakasam, under Section 7(3) and 8(1) of the Andhra Pradesh (Scheduled Caste, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (Act No.16 of 1993) – Orders – Issued.

BACKWARD CLASSES WELFARE (F) DEPARTMENT

G.O.Ms.No.12 **Dated: 20.02.2024**
Read the following:

1. Proceedings Rc.No.C4/99/2016, dated:29.11.2019 of the District Collector and Magistrate, Ongole.
2. Appeal dated: 06.01.2020 filed Smt. P. Lakshmi Devi D/o Ranga Nayakulu before the Hon'ble Minister for BC Welfare, Govt. of AP., AP Secretariat, Velagapudi.
3. Govt. Memo.122/BCW/F/2020, dated:10.02.2020.
4. Orders of the Hon'ble HC of AP in WP No.763 of 2020, dt.8.1.2020 filed by Smt. P. Lakshmi Devi, D/o Ranga Nayakulu.
5. From the Collector and District Magistrate, Ongole, Letter Rc.No.99/2016, dated:02.06.2020.
6. Govt. Memo.122/BCW/F/2020, dated:23.09.2021.
7. Govt. Memo.2311216/BCW/F/2023, dated:25.01.2024.
8. Representation Smt. P. Lakshmi Devi D/o Ranga Nayakulu, dated:27.9.2021 and 06.02.2024 together with enclosures.

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ORDER:

In the reference 1st read above, the Collector & District Magistrate, Prakasam District has passed orders, in exercise of powers conferred under Section 5(1) of the A.P. (SCs, STs & BCs) Regulation of Issue of Community, Nativity and Date of Birth Certificates Act 16 of 1993 read with G.O.Ms.No.58 Social Welfare Department, dated: 12.5.1997, cancelling the caste certificate (BC-B Perika Balija) issued by the then Tahsildar, Cumbum dated:20.08.1998 vide Certificate No.539/1998 in favour of Smt. P. Lakshmi Devi D/o RangaNayakulu, Occ: Teacher, Thurimella Post, Prakasam District.

2. In the reference 2nd read above, Smt. P. Lakshmi Devi, D/o Ranga Nayakulu, Occ: Teacher, Thurimella Post, Praksam District filed an appeal petition before the Government challenging the said proceedings in the reference 1st read above under section 7(2) of the A.P. (SCs, STs & BCs) Regulation of Issue of Community, Nativity and Date of Birth Certificates Act 16 of 1993. After examining the said Appeal, Government have admitted the same and called for the para wise remarks and connected records from the Collector & District Magistrate, Prakasam District vide reference 3rd read above. Further, in the reference 5th read above, the Collector & District Magistrate, Prakasam District had furnished para wise remarks and connected records.

3. In the reference 4th read above, the appellant Smt. P. Lakshmi Devi, D/o Ranga Nayakulu, Occ: Teacher, Thurimella Post, Prakasam District filed W.P.No.763/2020 praying the Hon'ble High Court to grant stay on the proceedings in the reference 1st read above, pending disposal of the appeal before the Government. The Hon'ble High Court has disposed the said Writ Petition with a direction to dispose the appeal of the Petitioner dated:06.01.2020 strictly in accordance with law within a three (3) months from the date of receipt of the order. In the reference 5th read above, the Collector & District Magistrate, Prakasam District has submitted connected records and para wise remarks on the appeal petition filed by Smt. P. Lakshmi Devi, D/o Ranga Nayakulu, Occ: Teacher, Thurimella Post, Praksam District.

P.T.O.

4. In the reference 6th read above, intimation for hearing of caste appeal has been communicated to the concerned officials and the appellant with a request to attend the hearing on 27.9.2021 with relevant documents in support of their contentions and present the case either in person or through authorized counsel failing which it will be construed that, there is no claim what so ever in the matter and it will be decided based on the material available with the Government. But the schedule of the hearing was adjourned. In the reference 7th read above, again hearing scheduled was intimated to the officials and the appellant. The Caste Appeal filed by Smt. Pathi Lakshmi Devi, D/o Ranga Nayakulu, Prakasam District was heard by the Hon'ble Minister (BCW) on 06.02.2024.

5. The Government have examined all relevant documents related to the Caste Appeal of Smt. P. Lakshmi Devi, D/o Ranga Nayakulu, Occ: Teacher, Thurimella Post, Praksam District; the observations of the Collector and District Magistrate, Prakasam District vide his proceedings in the reference 1st read above, and para wise remarks submitted by him vide reference 5th read above, and after taking into consideration of the arguments adduced by the Appellant at the time of hearing held before the Government on 06.02.2024, the Government (Appellate Authority) has opined that the additional documents produced by the appellant has to be re-examinee/re-enquired by the District Authority concerned.

6. Accordingly, Government after careful examination of the entire matter and keeping in view of the orders of Hon'ble High Court of Andhra Pradesh, in WP No.763 of 2020, and in exercise of the powers conferred under Section 7(3) and 8(1) of the Andhra Pradesh (Scheduled Caste, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (Act No.16 of 1993), is hereby remit back the case (appeal petition) to the Collector and District Magistrate, Prakasam District and he is directed to conduct re-enquiry on the community claim of Smt. P. Lakshmi Devi D/o Ranga Nayakulu, Occ: Teacher, Thurimella Post, Praksam District duly taking into the consideration of the documents produced by the appellant before the Government i.e., Appellate Authority at the time of hearing of the case on 06.02.2024 and the arguments educed by the appellant in favour of her claim by giving reasonable opportunity and to pass an appropriate order thereafter.

7. The Collector and District Magistrate, Prakasam District shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.ANANTHA RAMU
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Collector and District Magistrate, Prakasam District (relevant original records enclosed).

Smt. P. Lakshmi Devi D/o Ranga Nayakulu, Occ: Teacher, D.No.3-33, Thurimella(PO & Village), Cumbum Mandal, Prakasam District.

Copy to:

Smt. B. SanthaKumari,D/o Kesalu, R/o H.No.4-9-158/2,Ramalayama Street, Old Budvel road, Giddaloor, Prakasam District.

The Director, B.C.Welfare, A.P., Vijayawada.
The OSD to Hon' Minister (BCW).
PS to Spl. CS to Government, B.C. Welfare Department, A.P.Secretariat, Velagapudi.
PS to Prl. Secretary to Government, Social Welfare Department, A. P. Secretariat, Velagapudi.
S.C/S.F.

//FORWARDED::BY ORDER//

SECTION OFFICER

20/2/24